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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DEBORAH ANNE FREDERICKS,
individually,

Plaintiff,

vs.

TRAVELERS CASUALTY INSURANCE
COMPANY OF AMERICA; DOES I-X; and
ROE CORPORATIONS I-X, inclusive,

Defendants.

CASE NO. 2:19-cv-00778-JAD-NJK

**STIPULATION TO EXTEND TIME TO
SUBMIT JOINT PRETRIAL ORDER
(First Request) & ORDER**

ECF No. 50

Plaintiff Deborah Anne Fredericks ("Plaintiff"), by and through her attorneys of record, Alison M. Brasier, Esq., of HICKS & BRASIER, PLLC; and Defendant Travelers Casualty Insurance Company of America ("Defendant"), by and through its attorneys of record, Michael R. Hall, Esq., and Stephen D. Steele, Esq., of HALL JAFFE & CLAYTON, LLP, and hereby submit the following Stipulation to Extend Time to Submit the Joint Pretrial Order pursuant to FRCP 16(b)(4), LR 26-4, and LR IA 6-1. This is the First Request for an extension of time to submit the joint pretrial order.

Based upon the following, and due to an unanticipated medical event, the Parties request this Court extend the current deadline to file a Joint Pretrial Order by fourteen (14) days.

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I. FACTUAL BACKGROUND

This case involves a UIM breach of contract action deriving from an automobile accident that occurred on February 21, 2016, wherein Plaintiff was allegedly involved in a motor vehicle collision with another vehicle that was underinsured. The complaint alleges that as a result of the accident Plaintiff has sustained physical injuries. As a result of the collision, Plaintiff alleges disc protrusions at multiple levels of her lumbar spine, disc protrusions and bulges across her cervical spine, and ligament tears of her left hand and wrist. Plaintiff has incurred medical specials in the amount of \$95,527.72. Through this lawsuit, Plaintiff is seeking payment of the entire \$250,000 UIM policy limit from Travelers.

II. RELEVANT PROCEDURAL BACKGROUND

1. On June 7, 2019, the Court issued an Order approving the parties' Stipulated Discovery Plan and Proposed Scheduling Order. [ECF No. 10.]

2. The Stipulated Discovery Plan and Scheduling Order sets forth the deadline to submit the Pretrial Order, in conformity with LR 26-1(b)(5) which states:

Pretrial Order. Unless the discovery plan otherwise provides and the court so orders, the deadline for the joint pretrial order is 30 days after the dispositive-motion deadline. If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order;

[ECF No. 10.]

3. On April 1, 2020, Defendant filed its Motion for Summary Judgment. [ECF No. 34.] Plaintiff filed a limited Opposition on April 22, 2020 [ECF No. 38.] Defendant filed its Reply brief on May 6, 2020. [ECF No. 39.]

4. On February 23, 2021, the Court issued an Order Granting in Part Defendant's Motion for Summary Judgment. [ECF No. 49.]

5. The February 23, 2021, Order further stated, "IT IS FURTHER ORDERED that the parties must file their joint pretrial order by March 5, 2020." [ECF No. 49.]

6. The parties believe the February 23, 2021, Order includes a typographical error regarding the deadline to submit the joint pretrial order. Rather than a March 5, 2020 due date, they understand the Court ordered submission of the Joint Pretrial Order by March 5, 2021.

1 7. The parties further understand that the February 23, 2021, Order constitutes a
2 “further court order” under LR 26-1(b)(5) which modified the 30-day deadline to a shorter
3 period of time, 10 days (including non-judicial days.)

4 8. The parties undertook prompt action to comply with the Court’s Order,
5 exchanging correspondence on February 23, 2021. Due to prior scheduling constraints,
6 including previously scheduled time out of the office and depositions occurring on February 25,
7 2021, March 1, 2021, and March 2, 2021, the parties agreed to meet for a telephone conference
8 on March 3, 2021, to discuss the Joint Pretrial Order.

9 9. On March 1, 2021, Defense counsel learned that the Legal Assistant assigned to
10 this matter had experienced an unexpected medical illness and would not be able to perform any
11 work duties.

12 10. The parties conducted a lengthy telephonic conference on March 3, 2021, to
13 address the Joint Pretrial Order.

14 11. Defense counsel’s assistant remains out of the office and is not able to return due
15 to the unexpected medical illness until at least March 8, 2021.

16 11. Defense counsel is making alternative arrangements. However, in light of the
17 unexpected medical event, the parties require additional time to comply with the Court’s Order
18 to submit the Joint Pretrial Order.

19 12. Discovery is closed. The parties do not seek to reopen discovery or modify any
20 other deadlines at this time.

21 **III. GOOD CAUSE EXISTS TO EXTEND TIME TO SUBMIT THE JOINT**
22 **PRETRIAL ORDER.**

23 A motion or stipulation to extend deadlines in the Court’s scheduling order must be
24 supported by a showing of “good cause” for the extension. *See* Local Rule 26-4; see also *Jonson*
25 *v. Mammoth Recreations, Inc.*, 975 F. 2d 604, 610 (9th Cir. 1992). The district court may modify
26 the pretrial schedule “if it cannot reasonably be met despite the diligence of the party seeking
27 the extension.” *Johnson*, 975 F. 2d at 609; see also Fed.R.Civ.P. 16 advisory committee’s notes
28 (1983 amendment). Here, the parties have exercised reasonable diligence and are moving
forward in serving pretrial disclosures and preparing the Joint Pretrial Order. However, given
the shortened timeframe for producing the Joint Pretrial Order and the unanticipated health issue
related to Defense Counsel’s legal assistant, the parties request additional time. This extension

1 is made in good faith, jointly by the Parties, and not for the purposes of delay. This request is
2 submitted prior to the expiration of the subject deadline. Based upon the foregoing, the parties
3 respectfully request that the deadline to submit the Joint Pretrial Order be moved from March
4 5, 2021, to March 19, 2021.

5 Respectfully Submitted By:

6 DATED this 5th day of March, 2021.

DATED this 5th day of March, 2021.

7 HALL JAFFE & CLAYTON, LLP

HICKS & BRASIER, PLLC

9 /s/ Stephen D. Steele, Esq.

/s/ Alison M. Brasier, Esq.

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14 *Insurance Company of America*

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18 **ORDER**

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20 **IT IS SO ORDERED:** The deadline to file the Proposed Joint Pretrial Order
21 is extended to March 19, 2021.

22 
23 _____
U.S. District Judge

24 3-8-2021 (nunc pro tunc to 3/5/2021)